S.B. CIVIL WRIT PETITION NO.991/2003
Smt. Suraj Kanwar Soni
VS
UIT, Jodhpur & Anr.

DATE OF ORDER : 17.3.2005

HON'BLE MR.PRAKASH TATIA, J.

Mr.Pushpendra Singh, for the petitioner.

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Heard learned counsel for the petitioner.

According to learned counsel for the petitioner, the total land as per his registered sale deed Annex.1 is 2232 Sq.feet. Out of this, the petitioner's land measuring 20'x46.5' was taken for construction of the road and by this calculation, the land of the petitioner taken is 930 Sq.feet. According to petitioner, the compensation for the land has been awarded to the petitioner measuring the land to be 651 Sq. Feet. According to learned counsel for the petitioner, the person Kishore Singh shown at S.No.19 of the Annex.2 is neighbour of the petitioner. He has been awarded compensation of his entire land measuring 2385.25 Sq. feet, but the petitioner has been granted the compensation of the part of the land only.

It will be worthwhile to mention here that the compensation as awarded to the petitioner has already been taken by the petitioner,

which according to learned counsel for the petitioner, was under protest.

It is clear from the facts mentioned above, that the petitioner wants to dispute how much land, in fact was acquired for the purpose of construction of road as according to petitioner, the land was 930 Sq. feet whereas according to respondent, this land is only 650 Sq. feet. Learned counsel for the petitioner further disputing even the rate, which was employed for the determination of the land cost. That is also a disputed question of fact. It is relevant that though above dispute has been raised, but the petitioner himself admitted the land cost as awarded to Kishore Singh is correct then it is strange that petitioner is saying that land cost awarded to Kishore Singh on the basis of the market value of the land @ 350 is correct, but though he is adjoining plot holder, but his land cost is different. Be that as it may, in view of the disputed questions of facts, I do not find any reason to interfere in the matter of re-determination of compensation.

In view of the above, the writ petition of the petitioner is dismissed.

(PRAKASH TATIA), J.

c.p.goyal/-